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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,783	12/16/2003	Hsia-Hui Chen	MR1197-598	4117

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ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

EXAMINER

YIP, WINNIE S

ART UNIT PAPER NUMBER

3636

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/735,783	Applicant(s) CHEN, HSIA-HUI	
	Examiner Winnie Yip	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Part II DETAILED ACTION

This office action is in response to applicant's amendment filed on January 30, 2006.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

1. The amendment filed January 30, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the newly amended language “the joint (1) is coupled to the second rib section (2) by two pins (11, 12)” (page 4, lines 11-12) is not consistent to what is described in the specification and drawings as originally filed. According to the specification and drawings as originally filed (December 16, 2003), the joint (1) “having a wide base for pivoting with the second rib and the third rib” “by two pins (11) (12) respectively” (see page 2, lines 13-25). The specification does not describe the joint (1) being coupled to the second rib (2) by two pins (11, 12). And, Figure 9 shows the pin (11) being only coupled to the joint (1) and the third rib section (3) but not coupled to the second rib (2). In addition, Figures 7 and 8 show the pin (11) being offset from the second rib (2) which show the pin (11) does not coupled to the second rib (2). Therefore, the newly amended language is not supported by the original disclosure of the invention (which include the specification and the drawings). Applicant is required to cancel the new matter in the reply to this Office Action.

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2. The specification stand objected to under 35 U.S.C. 112, first paragraph, as failing to provide an adequate written description of the invention. The specification fails to clearly define the umbrella having ribs being arranged in a **serial order**. It is unclear where is a first rib section since the umbrella includes second and third rib sections.

Claim Objections

3. Claim 1 is objected to because of the following informalities: the term “improved” (line 1) is improper which may cause confusing of the scope of invention. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed language “the joint being coupled to one rib section by two pins” (line 5) is not consistent to what is described in the specification and drawings as originally filed. See the objection to the specification set forth above. Appropriate correction is required. No new matter can be entered.

Claim Rejections - 35 USC § 102

5. Claim 1 as better understood, stand rejected under 35 U.S.C. 102(b) as being anticipated by Wang (US Patent No. 6,244,284) .

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Wang teaches a multiple-fold umbrella comprising a plurality of ribs, each rib having a multiple pivotally joined rib sections (i.e., 30, 20), a joint being pivotally coupled between two rib sections, the joint having a wide base (63) and pins (P1, P2, P3), the joint being pivotally coupled to one rib section (30) by two pins (P1, P2) (see illustration bellow), one of the two pins (P2) being pivotally coupled to another rib section (20), the two pivotally coupled rib sections being positioned, counted from outside, in side by side relationship within the base of the joint in collision (see Fig. 6).

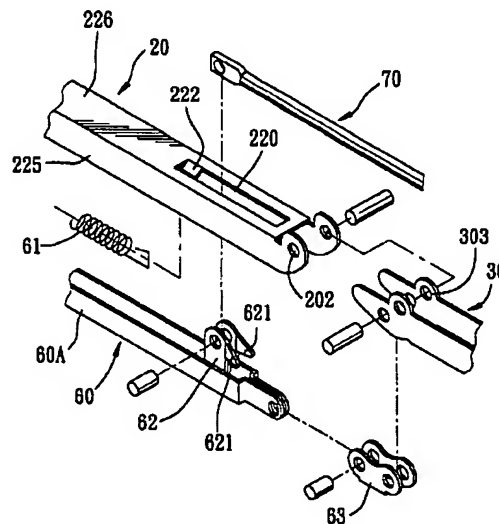


FIG. 3

6. Claim 1, as better understood, stand rejected under 35 U.S.C. 102(b) as being anticipated by Okuda (US Patent No. 5,435,331) .

Okuda teaches a multiple-fold umbrella comprising a plurality of ribs, each rib having a multiple pivotally joined rib sections, the rib having a joint pivotally coupled between two rib sections, the joint having a wide base (7), the joint (7) being pivotally coupled to rib sections (6,

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8) by two pins (P, W) respectively, wherein one of the two pins (W) is pivotally coupled to one of the rib section (8) and another one of the pins (P) is pivotally coupled to another rib section (6); Alternatively, the joint (7) is coupled to one of the rib sections (8) by two pins (P, W), and one of the two pins (P) is pivotally coupled to another rib section (6); whereby the two pivotally coupled rib sections (8, 6) are positioned, counted from outside, in side by side relationship (8-6) within the base (7) of the joint in collision as claimed (see Fig. 4).

7. Claim 1, as better understood, is rejected under 35 U.S.C. 102(b) as being anticipated by Weber (US Patent No. 3,902,514) .

Weber teaches a multiple-fold umbrella comprising a plurality of ribs, each rib having a multiple pivotally joined rib sections (8a, 8b, 8c), the rib having a joint pivotally coupled between two rib sections (8c, 8b), the joint (16) having a wide base (11) being coupled to one rib section (8c) by two pins (11', 17), one of the pin (11') being pivotally coupled to another rib section (8b), whereby the two pivotally coupled rib sections (8b, 8c) are being disposed counted from outside, in side by side relationship within the base (11) of the joint (see Fig. 4).

Response to Arguments

8. Applicant's arguments filed January 30, 2006 have been fully considered but they are not deemed to be persuasive.

In response to applicant's argument that the references to Wang '284 and Okuda '331 fail to show suggest two rib sections being disposed in "side-by-side relationship within the base of the joint" as now claimed, it is not deemed persuasive. As discussed set forth above rejections, Wang is considered to show the joint having a base (63) pivotally connected to rib (30), and the

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joint includes two pins (P1, P2) coupled to the rib (30) and one of the pin (P2) being also coupled to the other rib (20) such that in an closed position, as shown in Fig. 6, the ribs (30) and (20) are folded in side by side relationship within the base (53) of the joint. And, Okuda also shows the ribs 8 and 6 being coupled by a base (7), and being disposed in side-by-side relationship, counted from outside of the frame, within the base in the folded position (see figure 4). Notice, first, “a joint” does not mean only “a base”, but it would include other elements. Second, applicant only claims the ribs being positioned side-by-side within the position of the base in a folded position not in the opened position. Therefore, to discussed whether or not the ribs of Wang’s umbrella being pivotally coupled in linear alignment in the open position is irrelevant. In addition, applicant does not define what is arrangement of “side-by-side relationship”. Therefore, Wang and Okuda are considered to show the ribs (i.e., Wang’s ribs 30 and 20) are located substantially parallel relationship from outside one adjacent to the other within the joint position as broadly read on the arrangement of a “side-by-side relationship” in the closed position as claimed.

Therefore the rejections are deemed proper and stand granted.

ACTION IS FINAL

9. Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See M.P.E.P. ' 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. ' 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R.

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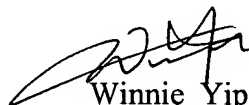
' 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip
Primary Examiner
Art Unit 3636

wsy
April 10, 2006